

JEFFERSON COUNTY COMMISSIONERS  
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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

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**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
October 30, 2007**

**Present:** Commissioners Lythgoe, Notbohm and Weber; Bonnie Ramey, Clerk and Recorder; Matt Johnson, County Attorney; Craig Doolittle, County Sheriff; Harold Stepper, County Planner; Bridget Ekstrom, Dorsey-Whitney; Cindy Larsen, DUI Task Force; Jan Anderson, *Boulder Monitor/Jefferson County Courier*

**MINUTES**

Commissioner Weber moved to adopt the minutes of October 2. Commissioner Lythgoe seconded. The motion carried.

**CALENDAR REVIEW**

10/31 JLDC - 2:00

**COMMISSION REPORTS**

**STEWARDS OF THE RANGE**

Commissioner Weber reported that he attended the Stewards of the Range conference in Reno and learned the method to obtain coordinating status with federal and state agencies. Local government has the ability to put their planning forward with agencies, better than individual citizens. He brought a binder of information back with him and this is available in the office.

**EXTENSION INTERVIEWS**

Commissioner Weber stated that the Extension interviews went well. The committee chose two acceptable candidates, and these names will go back to MSU for the final decision.

**SAFETY COMMITTEE**

Commissioner Weber stated that the Safety Committee meeting went well. They are discussing ways to grant safety awards to employees that are effective. They discussed that suggestion/comment boxes might be a good way for the committee to get nominations.

**DEPARTMENT HEAD/ELECTED OFFICIAL MEETING**

Commissioner Weber reported that the Department Head/Elected Official meeting went well.  
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They discussed legal advertising and county employee I.D. cards. Commissioner Lythgoe stated that we do not have the technology to do the I.D. cards in-house, as we thought we might, but MACo will come out and do this for us. Craig is following up on this. Commissioner Weber stated that they also discussed records retention. A firm out of Utah will come and digitize pre-1950 records for free, with the caveat that they take the information back to Utah for the LDS genealogy files.

#### MEETING REGARDING BERNICE PROJECT

Commissioner Weber reported that the Commission met with Charlie Hester of Job Corps, Terry Sexton with the Forest Service, Jeremiah Theys of Great West, Connie Daniels from Senator Tester's office and EPA staff from Denver on the phone, regarding EPA violations on the Bernice project and how to pursue mitigation. It appears that we don't have a lot of wiggle room on this. Since that meeting we have had a call from Terry Sexton stating that a Forest Service fish biologist is willing to go up there to help determine the fish viability on some of the little side creeks.

#### WAGNER PROPERTY

Commissioner Weber reported that he talked to Bruce and Jackie Wagner the previous day to discuss their leasing back building from us as build their new offices. Their preference is for a six-month lease with one month renewal option. They discussed lease amount of \$750/month. They have no problem with the Commission pursuing any of the options that we have discussed regarding the building, moving, adding on, etc. He has spoken to Matt about all of this.

#### HEALTH BOARD

Commissioner Lythgoe reported that he attended the Health Board meeting held on Wednesday night. It was mostly business as usual. He stated that he had not yet met newest addition to the Health Department, the part-time nurse. The department did lose their refrigerator recently. They were able to move the vaccines to clinic to save them, and MACo had refrigerator in storage to loan them until they can get a new one. The department is pursuing a commercial refrigerator with a battery back-up. There is also concern with the homeland security grant, as they have had a complete change of staff. He assured them that the state wants them to be successful in this, and will offer all of the help they may need.

#### ZONING COMMISSION

Commissioner Lythgoe reported that they had a Zoning Commission meeting on Thursday. They discussed high/low density. The committee gave new nomenclature to residential and commercial designations. Harold and Ken Vivrette will be working on that language for the next meeting.

#### PANIC BUTTONS

Commissioner Lythgoe stated that one thing that did come up as a result of his visiting health department to get a flu shot. They had a situation where they felt threatened, and they have no panic buttons. He asked Craig if it is possible to do something, and also to see if other offices are without. In the courthouse complex it is a wired system, and he will talk to Carl about a wireless system.

### ZONING CONCERNS

Commissioner Lythgoe reported that he met with several people the previous morning regarding zoning concerns. They have some large tracts of land on the north end and would like to see a change in zoning. He told them that it will take some time for the zoning commission to come up with a plan and hold public meetings, so if they want something to happen sooner, they will need to write up a request for the Board of Adjustment.

### CORRESPONDENCE

The Commission received a Contract for County Funds Transfer for Medicaid match funds for the Center for Mental Health. This is a yearly contract. The amount is based on population, at \$1/person.

Commissioner Lythgoe moved to authorize the Chair to sign the contract. Commissioner Notbohm seconded. The motion carried.

### ITEMS FOR COMMISSIONERS ACTION OR REVIEW

#### RESOLUTION 37-2007 AWARDING THE SALE OF BONDS FOR THE SADDLE MOUNTAIN RID

Bridget Ekstrom, Dorsey-Whitney, stated that they had a successful bond sale today at noon. They opened two bids, one from DA Davidson and one from Bitterroot Valley Bank in Lolo. True interest cost is 4.38%, and she explained the process for the assessments. Commissioner Weber stated that he is very impressed with what Bitterroot Valley put in for a bid.

Commissioner Weber moved to adopt Resolution 37-2007, awarding the bond sale to the Bitterroot Valley Bank. Commissioner Lythgoe seconded. The motion carried.

#### DISCUSS AND DECIDE ON GREAT WEST'S PROPOSAL FOR GROWTH POLICY AND SUBDIVISION REGULATION UPDATES

Commissioner Weber stated that this was discussed at the previous meeting. Harold Stepper, County Planner, stated that the state subdivision model regulations bid is \$12,000 and using the current Jefferson County regulations and re-writing is \$16,400. Commissioner Lythgoe asked Harold if it is his intention for staff and Planning Board to do all of the growth policy updates. Harold stated that it is his feeling that they can do the whole thing. There isn't much to change. We know that our population information is off, based on the last census, and they feel that it is best to wait until the 2010 census information is in. Commissioner Notbohm asked to what degree Great West will be involved. Commissioner Weber stated that Harold feels that staff can update the growth policy, and the subdivision regulations will be a joint effort with staff and Great West. Commissioner Lythgoe stated that the Growth Policy piece was \$18,000.

Commissioner Weber moved to retain Great West to work on the subdivision regulations updates

with the planning staff and Planning Board, using the state model as the base, using \$12,000 from metal mines money for funding. Commissioner Notbohm seconded. The motion carried.

#### DISCUSS USING \$60,000 IN METAL MINES MONEY TO FUND THE NEXT PHASE OF THE NORTH END WATER/SEWER DISTRICT STUDY

Commissioner Lythgoe stated that the figure is actually \$65,000. He has been in contact with Carole Ferguson and Tom Harrington regarding this. Both felt that this would be an appropriate use of metal mines money. He feels that we need to proceed with this. The Commission did have meetings on the north end regarding this project. People were not 100% sold, but felt that we need to proceed with the study to see what needs to be done. Commissioner Weber asked if Dave Aune had a feeling of how long the study would take and what the study would get us. Commissioner Lythgoe stated that it would get us to a point of identifying the district, if we should include water and sewer, identify potential sites for treatment facility, identify a phase-in program, identify a total build-out and associated costs, and identify the funding sources available. He noted that this is a long-term project.

Commissioner Notbohm asked about funding; some of it will be retrievable, but this will be years down the road. He noted that it doesn't take too long for metal mines money to go. Once we start investing in this, we can't really back out. We will be committing more than the \$65,000. Commissioner Weber stated that study could establish if going to have a district or not. His understanding is that once the district is formed, they will be committed and start taxing themselves, much like a RID. Commissioner Lythgoe stated that project Dave is furthest ahead with is the Seeley Lake project. He has seen charted out state and federal grants, federal funds, etc. His understanding is that if the project is, for instance, a \$15 million project, there will be \$14 million in combined funding, and the remainder is what the district will have to commit. A small portion is from direct tax dollars, this money from the metal mines funds is just to do the study. Commissioner Notbohm stated that he feels that we need a contract with Dave, so that we don't get left in the middle if he decided to leave. Commissioner Weber noted that the contract would be with Great West, who Dave works for.

Commissioner Lythgoe referenced training that he attended several weeks ago about funding for these types of projects. Dave Aune seemed to be one of the experts in the state about these projects; everyone knew who he was. We are fortunate that he is with Great West, who we are dealing with. Commissioner Notbohm stated that one of his concerns is that funding streams can dry up for periods of time. Commissioner Lythgoe stated that with the war and the uncertainty of federal budgets, there may not be nearly the funding that there has been. On the other hand, it is good to have Dave leading the charge on this for us. Commissioner Weber stated that certain projects are getting more attention, and these types of projects are one of them.

#### SHERIFF'S OFFICE/DUI TASK FORCE REQUEST FOR GRANT APPROVAL

Craig Doolittle, County Sheriff, presented an overview of what the grant covers. The money comes from the state and the program focuses on binge drinking and drinking and driving in youth. There is no required match for this. This three-year grant addresses the environmental factors behind binge drinking and drinking and driving done by youth. The grant money creates

a Jefferson County job – one or 1.5 FTE, and covers salary, mileage, cell phone, computers, basically whatever it takes to do this program. There is no cost to Jefferson County, other than possibly office space or telephone. The position would be out in the communities in Jefferson County. This is a way for us to be proactive and find them something else to do or to give options. Cindy Larsen stated that the only clarification she has is that we will be applying for two full-time positions – one in Whitehall and one in Boulder, and the officers live in the community that they work in. The Jefferson County DUI Task Force has been really proactive in prevention work. They have recently been awarded a grant in the amount of \$4,995 to target teens, and have added junior members from Whitehall and Boulder to the DUI Task Force. Cindy then presented some statistics, and noted that Jefferson County's are really high compared to the national average. 21% of our youth have been drunk or high at school in the past year. We are over twice as high for youth alcohol dependency as opposed to the national average; almost half of our kids are binge drinking, which is defined as drinking five or more drinks consecutively. Boyd Andrew has just sub-contacted the prevention contract that they have with Jefferson County, which is 20 hours per week. This deals with the background – what is creating the problem. The program starts with six months of data entry to determine what the issues are in Jefferson County and proceed from there.

Commissioner Lythgoe stated that the grants primary function is to identify the cause, but asked if there is a component to then try to fix the problem. Cindy stated that this is a five petal strategic prevention model. It is very data-driven. They will be working with a firm in Bozeman that will be coming out two days a week to help determine just what our needs are. We will also be coordinating with Lewis & Clark County. After attending the training, she decided that the best way to get a comprehensive approach from this program was to apply on our own.

Commissioner Lythgoe asked if every county is getting this. Cindy answered only those that apply. Commissioner Lythgoe asked about the possibility for continued funding. Cindy stated that the idea of this is to build community coalitions. She feels that with the Horizons program, we are seeing some groundwork laid. In terms of grants and Jefferson County, she feels that this is going to open a lot of doors. There is a huge block of money from the tobacco settlement, and no one has applied for Jefferson County at this time.

Commissioner Notbohm asked that this is a three year 5 month program, and we just have to see how it goes after that. Cindy stated that need to address sustainability in the grant application. Her feeling is that those that apply for the grant will get it. The task force has given her 20 hours of a professional grant writer's time to proofread the application and keep her on track. Commissioner Weber stated that he appreciates all the time that she and her husband give to the community. He asked what she needs from the county. Cindy stated that she is asking for permission to apply. Also need a MOU and that the Commissioners will participate in the process. A big part of this is getting the community involved and talking about it. Commissioner Weber stated that the recent rape trial brought to light the problem and impact of binge drinking on our kids. He is very willing to be involved as much as possible.

Craig stated that why they are bringing this to the Commission is that this will create a county position, which will need supervision. He has spoken to Bonnie already, as all of the money will be administered through the Clerk & Recorder's office. Kellie Doherty stated that all they need

from the Commission is their blessing to go forward with this; they also feel that the County Attorney's or Sheriff's Office should be in charge of this. Commissioner Weber stated that the concern is that the money will dry up in 3.5 years leaving us with two un-funded positions, but the hope would be that we will find a funding source in the future. Craig stated that one of the functions of this position is to identify areas where existing county staff can be doing to sustain a lot of this. Kellie stated that she will make it very clear in the position posting that this could very well last for only three and a half years.

Commissioner Weber moved that Commission grant approval to the Sheriff's Office and DUI Task Force to pursue the grant. Commissioner Notbohm seconded. The motion carried.

#### DISCUSSION OF EXPARTE COMMUNICATION

Matt Johnson, County Attorney, stated that he had been asked to discuss exparte discussion with the Commission previously. He presented the policy from Lewis & Clark County for reference. There have been instances in the past where the Commissioners make decisions of a quasi-judicial nature, where they are basically granting or denying privileges, rights or benefits for individuals. This goes more so for the subdivision process. Lewis & Clark County has a policy and it is attached to their subdivision regulations, but governs any quasi-judicial matters. Matt stated that he feels that this is a good idea, and gave some examples where this could be helpful. He is asking that the Commission discuss the possibility of enacting such a policy here.

Commissioner Weber stated that when he first became a Commissioner, this was discussed in training and stated that it is a good idea for all counties to have. He asked if there has been an update to statute from when Lewis & Clark County adopted this policy. Matt stated not that he has found, and noted that this is more to prevent a situation arising. The public understands what they can and can't do with the board in between hearings and the Commission also understands. Commissioner Lythgoe stated that this policy could deal with more than just subdivisions; it could also deal with roads. Matt agreed, stating that it could cover encroachment, approach permits, and fire protection. Commissioner Lythgoe stated that the other thing that he noticed is language of when we can talk to a developer. Matt gave clarification. Also, would come in handy on employee issues, by enabling the Commissioners to direct inquiries to the personnel officer. Commissioner Lythgoe stated that this should be specifically mentioned in the policy, as this is an area where we could get into a lot of trouble. We do have a personnel officer to deal with these matters and all employee matters should go to her. Matt stated that the Commission is the ultimate body to make a decision prior to going to a judge or arbitration. Commissioner Lythgoe asked about the personnel officer, can she request that a Commissioner sit in on a discussion with an employee. Matt stated that it all depends; the Commission is the ultimate boss over many of the employees in the county and the personnel officer does go to the Commission for input. Commissioner Lythgoe stated that it is probably not appropriate to have all three Commissioners involved, as they ultimately have the final say.

Commissioner Weber asked about a time frame. Matt stated that he could probably have a draft policy in two weeks, with input from the Commission, MACo and the personnel officer. This item will be on an agenda three weeks out. Commissioner Notbohm stated that will need to be looked at once they get into it, as issues seem to pop up, noting examples from personnel. Matt stated that we do have in personnel policy what the procedure is. Commissioner Lythgoe stated

that personnel may not want to be included in the exparte policy. Commissioner Weber stated that personnel grievance procedures are pretty well laid out. Commissioner Lythgoe stated that if an employee has a problem with a supervisor, they should be going to the personnel officer rather than a Commissioner. Matt stated that the only thing that he can think of would be sexual harassment. Commissioner Notbohm stated that exparte opens a big category of what can be covered. We might want to stay focused on subdivision issues at this time, and address other issues as they arise.

#### DISCUSS AND DECIDE ON PLACEMENT OF LEGAL ADS

Commissioner Weber stated that we had this discussion at the Department Head/Elected Official meeting. They came away from that meeting with the understanding that department heads are advertising in all papers, but problems come up when Joe Citizen wants to take a tax deed and inquires about the legal paper of record, which is the only one that they have to publish the notice in. Commissioner Weber stated that what he would like to find a way to require advertising in all papers. Commissioner Notbohm stated that this has been discussed so many times over the years. Jan stated that she did have one new thought – both the *Ledger* and her paper are posting legals online. Maybe as part of awarding legal paper of record, make part of the bid that all legals be posted on-line also, on a site known to the county. Commissioner Lythgoe asked about the bid specifying that all legals will be posted in all three papers. Much discussion followed. Jan stated that would be on firmer ground that part of bid is that legal paper has to advertise tax deeds in the other papers also. The consensus was that this is a good suggestion, and it will be discussed with the county attorney.

#### RESOLUTION 38-2007 DISTRIBUTION OF METALLIFEROUS MINES LICENSE TAX

Commissioner Weber read the resolution as follows:

##### **RESOLUTION 38-2007**

##### **DISTRIBUTION OF METALLIFEROUS MINES LICENSE TAX**

**WHEREAS**, §15-37-117, MCA, requires that twenty-five percent (25%) of metalliferous mines license taxes, collected by the State under the authority of Title 15, Chapter 37, Part 1, MCA, be distributed to the county in which the mine is located; and

**WHEREAS**, § 15-37-117, MCA, requires the County Commissioners of such county to allocate those sums received by them, from said metalliferous mines license taxes collected by the State, as follows:

(1) Not less than forty percent (40%) to the County Hard Rock Mine Trust Reserve Account established under § 7-6-2225, MCA; and

(2) All money, not allocated to the said County Hard Rock Mine Trust Reserve Account, is to be allocated as follows:

(a) 33⅓% to the County Metal Mines Tax Reserve Account for planning or economic development activities;

(b) 33⅓% to the elementary school districts Metal Mines Tax Reserve Account, within the County, that have been affected by the development or operation of the metal mines; and,

(c) 33⅓% to the high school districts Metal Mines Tax Reserve Account within the County that have been affected by the development or operation of the metal mine; and

**WHEREAS**, there are several metalliferous mines located within the boundaries of Jefferson County; and

**WHEREAS**, Jefferson County government has recently received \$320,293.00 as its share of such metalliferous mines license taxes collected from the metalliferous mines within Jefferson County,

**NOW, THEREFORE, BE IT RESOLVED** by the Jefferson County Board of Commissioners as follows:

1. That forty percent (40%) of such total sum of \$320,293.00 shall be allocated to and placed in, the County Hard Rock Mine Trust Reserve Fund 2895 established under § 7-6-2225, MCA.

2. That all such sums, held in the above-referenced Hard Rock Mine Trust Reserve Fund and/or above-numbered fund(s) on behalf of the above-named school districts and Jefferson County, shall remain in such account and shall be properly accounted for under the appropriate fund number or numbers established for the same. Further, such sums shall be appropriated by the governing body of Jefferson County, and/or distributed thereby, only in accordance with the provision of § 7-6-2226, MCA.

3. That sixty percent (60%) of such total sum of \$320,293.00 shall be allocated to, and placed in, the County Metal Mines Tax Reserve Account established under § 7-6-2226, MCA.

4. That one-third (⅓) of the said sixty percent (60%) placed in the County Metal Mines Tax Reserve Account pursuant to the preceding Paragraph No. 3 shall be placed in Economic Development and Planning Account No. 2320. Such sums to be paid to said account (totaling at this time, the sum of \$64,058.60) shall only be used for planning or economic development activities.



5. That one-third ( $\frac{1}{3}$ ) of the said sixty percent (60%), placed in the County Metal Mines Tax Reserve Account pursuant to the above Paragraph No. 3, shall be allocated and appropriated to the benefit of the following elementary school districts, affected by the development or operation of the several metal mines, or a pro-rata basis determined from the license taxes collected from the mine or mines within each such school district:

(i) To the Cardwell Elementary School District No. 16, the total sum of \$20,410.73 to be placed in said School District's Account No. 7716;

(ii) To the Whitehall Elementary School District No. 4-47, the total sum of \$20,410.73 to be placed in said School District's Account No. 7713;

(iii) To the Clancy Elementary School District No. 1, the total sum of \$7,745.72 to be placed in said School District's Account No. 7712;

(iv) To the Boulder Elementary School District No. 7, the total sum of \$7,745.72 to be placed in said School District's Account No. 7715;

(v) To the Basin Elementary School District No. 5, the total sum of \$7,745.71 to be placed in said School District's Account No. 7714;

6. That one-third ( $\frac{1}{3}$ ) of the said sixty percent (60%), placed in the County Metal Mines Tax Reserve Account pursuant to the above Paragraph No. 3, shall be allocated and appropriated to the benefit of the following high school districts, affected by the development or operation of the several metal mines, on a pro-rata basis determined from the license taxes collected from the mine or mines within each such school district:

(i) To the Whitehall High School District No. 2, the total sum of \$40,821.45 to be placed in said School District's Account No. 7762;

(ii) To the Boulder High School District No 1, the total sum of \$23,237.15 to be placed in said School District's Account No. 7761.

**DATED** this 30<sup>th</sup> day of October, 2007.

**ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**KEN WEBER, CHAIR**

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**TOMAS E. LYTHGOE, COMMISSIONER**

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**CHUCK NOTBOHM, COMMISSIONER**

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Commissioner Weber moved to adopt the resolution. Commissioner Notbohm seconded. The motion carried.

**DISCUSS AND DECIDE ON EARMARKING \$10,000 TO RMDC FOR TRI-COUNTY MENTAL HEALTH CRISIS RESPONSE TEAM**

Commissioner Weber stated that this deals with the MOU between Jefferson County, Lewis & Clark County, Broadwater County, Saint Peter's Hospital, and Rocky Mountain Development Council for a tri-county mental health crisis response team. This collaboration is attempting to continue the work started under a grant received by RMDC to develop the crisis response team. He noted that the Commission did earmark \$10,000 in the budget under care of the insane, with the idea of supporting this effort. Commissioner Lythgoe stated that the Center for Mental Health is very supportive of this. He feels that this is a have-to issue and is very needed in communities around the state. When Saint Peter's shut down their center it created a void, and those people now end up in jail. Commissioner Notbohm stated that it was a crisis center, and the police department was deluging them with people that didn't necessarily belong there. Commissioner Weber stated that there is \$15,000 in this line item, with an earmark of another \$10,000 from PILT if it goes over. Commissioner Notbohm stated that he knows that crisis intervention has been a problem, but this could be opening up a bottomless pit. Lewis & Clark County law enforcement has had to deal with a lot of it. \$10,000 is a drop in the bucket to what their needs are. Unless we are willing for a long-term commitment that is definitely going to go up, we might want to look at it a bit. Commissioner Weber stated that one thing Lewis & Clark County is looking at doing is running a mill levy to provide on-going funding and opening a crisis facility. This is just trying to go the next couple steps in the process. Saint Peter's \$40,000 is a one-time thing, as is the Lewis & Clark County contribution and ours. Commissioner Notbohm stated that the only way to make this work is to get a mill levy. Commissioner Weber stated that this is a one-time shot to try to get something developed. How to perpetually fund this will be another issue. Commissioner Lythgoe stated that if anyone can put this together it is RMDC. They have contributed so much to Jefferson County, that this is just a drop in the bucket to what we have received over the past years. Commissioner Weber stated that if this is successful, it will be a drop in the bucket to the benefit Jefferson County will receive. Commissioner Notbohm stated that this has been discussed at the RMDC meetings. There is no question that this is an on-going problem. Commissioner Weber stated that the problem grows as population does. As Commissioner Lythgoe said, if anyone can do this, RMDC can. Commissioner Lythgoe stated that they recognize in asking \$10,000 from us that they recognize our limitations.

Commissioner Lythgoe moved that we forward \$10,000 to RMDC for the Tri-County Mental Health Crisis response team from 1000 440 500 350. Commissioner Notbohm seconded. The motion carried.

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### COMMITTEE AND BOARD REASSIGNMENTS

Commissioner Weber stated that they all have a copy of current appointments. They had discussion at the last meeting that some boards may not be getting the attendance that they should. Commissioner Weber called for discussion. Commissioner Lythgoe stated that he thinks that it is important that they as Commissioners attend the committee meetings that they are assigned to. He understands that things come up from time to time. The reason that we are there, even if not a voting member, is because we are the Commission liaison to board or committee. If we are not able to attend, for whatever reason, then we ought to discuss and maybe make some reassignments. The Commissioners went through the list and discussed. Commissioner Weber asked if there is any that anyone has a burning desire to change. Commissioner Notbohm stated that the only one he has an issue with the Area IV on Aging. They seem to conflict a bit too, and the meeting date isn't consistent. They schedule the meetings all over the state, and really could have been done with a conference call. The same goes for juvenile detention. Windshield time is the biggest part. A lot of these meetings could be handled with a conference call. Commissioner Lythgoe stated that he would like to be off of the LEPC, and Commissioner Weber agreed to take over this committee.

Commissioner Weber moved to adjourn. Commissioner Notbohm seconded. The motion carried.

### **MEETING ADJOURNED**

### **ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**KEN WEBER, CHAIR**

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**TOMAS E. LYTHGOE, COMMISSIONER**

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**CHUCK NOTBOHM, COMMISSIONER**